

### **REMARKS/ARGUMENTS**

Claims 1-53 are pending and at issue in the present application.

The objections to the drawings are respectfully traversed in light of the replacement drawings and new FIGS. 1A and 1B submitted herewith. In FIG. 1, reference number 90 has been replaced with 88b. FIG. 2 has been amended to include reference number 38. FIG. 3 has been amended to include reference number 61. In FIGS. 8, 9, and 11, reference number 91 has been omitted. Also in FIG. 9, the position of the lead line for reference number 96 has been moved in a manner consistent with the other drawings. In FIG. 13, reference number 102 has been replaced with reference number 104, and reference numbers 89 and 90 have been replaced with reference numbers 88a and 88b, respectively. FIG. 15 now includes reference number 122, and reference number 90 has been replaced by reference number 88b. FIG. 16 has been amended such that the upper and lower dimension lines of dimension B are now identified by reference numbers 124 and 125, respectively, and reference numbers 30a, 30b, and 30c have been replaced by reference numbers 38a, 38b, and 38c, respectively.

The objection to claim 13 is respectfully traversed in light of applicants adding the article "the" before "elongate flange" in claim 13. The elongate flange was introduced in claim 12, thus necessitating use of the definite article in claim 13 dependent thereon. Further, the objections to claims 33 and 35 have been addressed by amendment of these claims to provide proper antecedent basis, and new FIGS. 1A and 1B are submitted herewith to illustrate the cabinet and the shelf recited by claim 35. Claims 5, 8, 9, 10, 16, 19, 23, 24, 28, 49, and 53 have been rewritten in independent form as suggested by the examiner in order to secure the allowance of claims 5, 8-13, 16, 17, 19, 23-26, 28-32, 49, 50, and 53.

Regarding the art discussed in the background section of the present application, an Information Disclosure Statement was submitted on August 3, 2004, citing all such art. An indication from the examiner that such art has been considered is respectfully requested.

Applicants respectfully traverse the rejection of claims 27 and 33-46 under 35 U.S.C. §112. As noted by the examiner, claims 20-26, 28-35, and 37-46 are directed to the subcombination of the suspension device alone. Claims 26, 27, and 36 have been amended to clarify that these claims recite the combination of the suspension device and a pouch.

Applicants respectfully traverse the rejection of claims 1-4, 6, 7, 14, 15, 18, 20-22, 47, 48, 51, and 52 as anticipated by or obvious over Gonzalez.

Claim 1, and claims 2-4, 6, 7, 14, 15, and 18 dependent indirectly or directly thereon, as amended, recite a clamping assembly and a base member having surfaces that limit travel of the clamping assembly relative to the base member along a path of sliding movement.

Claim 20, as amended, and claims 21 and 22 dependent thereon now recite "a flexible guide rail extending from a side of the second clamping member wherein the flexible guide rail is pivotable about a longitudinal axis of the second clamping member."

There is no disclosure or suggestion in Gonzalez of surfaces that limit travel of a clamping assembly relative to a base member along a path of sliding movement as specified by claims 1-4, 6, 7, 14, 15, and 18. Also, there is no disclosure or suggestion of a pivotable flexible guide rail as recited by claims 20-22.

Gonzalez discloses a bag clip having arms connected by a hinge at one end. A user manually pivots the arms apart about the hinge to an unclamped position, places a bag between the arms, clamps the bag between arms, and slides the clip into a channel of a fixed bracket. There is no surface in the channel of Gonzalez that would limit sliding movement of the clip out of the channel. In fact, the disclosed clip is removable from the channel.

Claim 47, as amended, and claims 48, 51, and 52 dependent thereon now specify: "outwardly sliding the clamping assembly relative to the housing wherein a cam surface of the second clamping member engages a portion of the housing thereby pivoting the second clamping member away from the first clamping member and thus opening the clamping assembly."

There is no teaching in Gonzalez of a sliding step where sliding a clamping assembly causes a cam surface of a clamping member to engage a portion of a housing, thereby pivoting the clamping member as recited by claims 47, 48, 51, and 52. In fact, Gonzalez teaches only manual opening and closing of the clip.


In conclusion, because Gonzalez does not disclose each and every recitation of the claims at issue, the anticipation rejections should be withdrawn. Also, the prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217,

U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. at 973. Gonzalez does not disclose or suggest that it would be desirable or even possible to provide any of: (1) a clamping assembly and base member having surfaces that limit travel of the clamping assembly relative to the base member along a path of sliding movement; (2) a flexible guide rail pivotable about a longitudinal axis of a clamping member; or (3) a cam surface of a clamping member that pivots the clamping member away from another clamping member. For these reasons, a *prima facie* case of obviousness with respect to the claims at issue has not been demonstrated.

Each of the examiner's objections and rejection having been specifically and fully responded to, reconsideration and allowance of the claims at issue is respectfully requested.

Respectfully submitted,

McCracken & Frank LLP  
200 W. Adams  
Suite 2150  
Chicago, Illinois 60606  
(312) 263-4700

By:   
William E. McCracken  
Reg. No: 30,195

September 24, 2004

**Amendments to the Drawings:**

The attached eight (8) sheets of drawings include changes to Figs. 1-3, 8, 9, 11, 13, 15 and 16. These eight sheets replace the original sheets including Figs. 1-3, 8, 9, 11, 13, 15 and 16. The changes are detailed below:

In Fig. 1, "90" has been changed to --88b--.

In Fig. 2, "38" has been added;

In Fig. 3, "61" has been added;

In Fig. 8, "91" has been deleted;

In Fig. 9, "91" has been deleted and the lead line from 96 has been moved;

In Fig. 11, "91" has been deleted.

In Fig. 13, "102" has been changed to --104--;

"89" has been changed to --88a--; and

"90" has been changed to --88b--;

In Fig. 15, "122" has been added and "90" has been changed to --88b--; and

In Fig. 16, "30a" has been changed to --38a--;

"30b" has been changed to --38b--;

"30c" has been changed to --38c--;

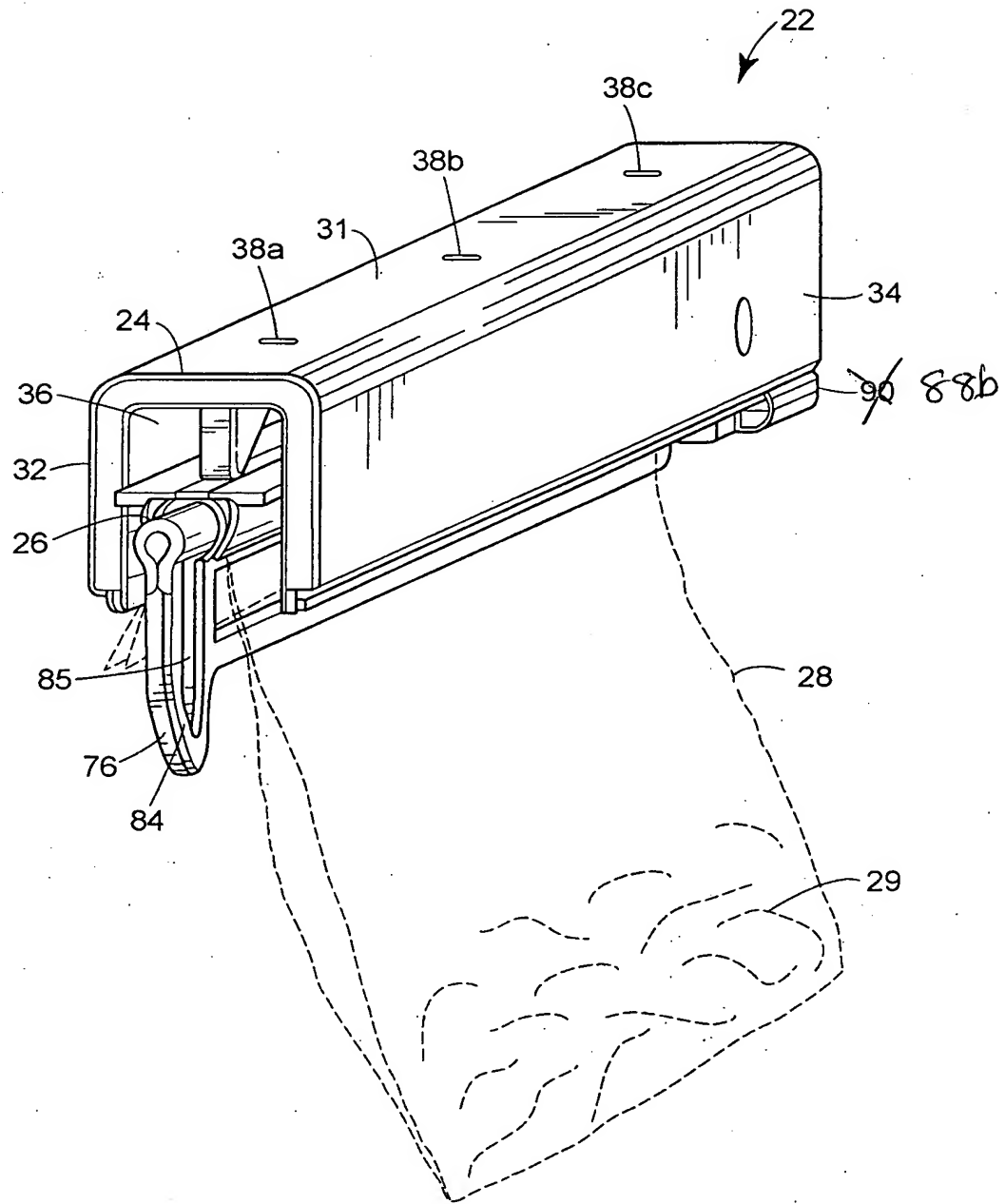
"125" has been changed to --124--; and

"122" has been changed to --125--.

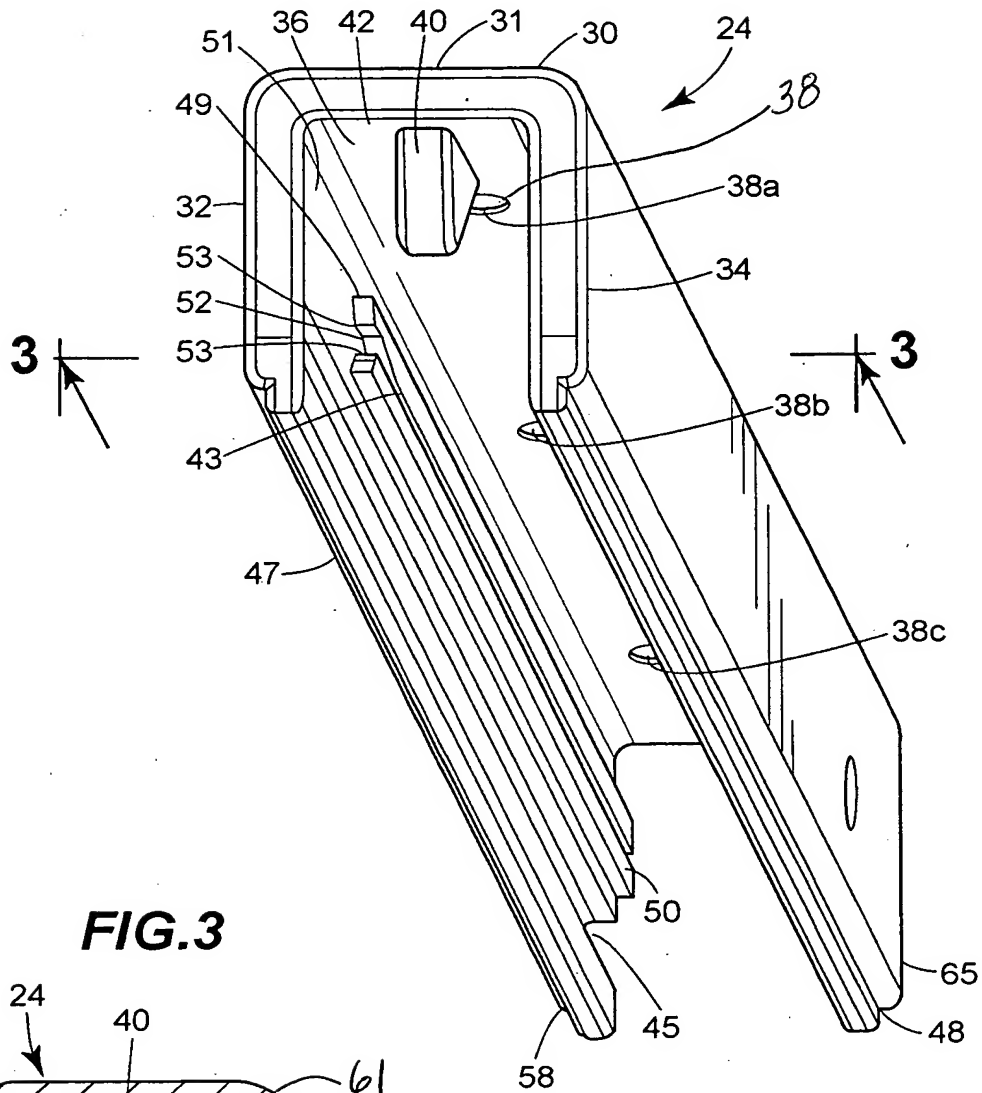
New Figs. 1A and 1B have been added.

Attachments: Replacement Sheets  
Annotated Sheets Showing Changes  
Fig. 1A, 1B

**FIG. 1**



**FIG.2**



**FIG.3**

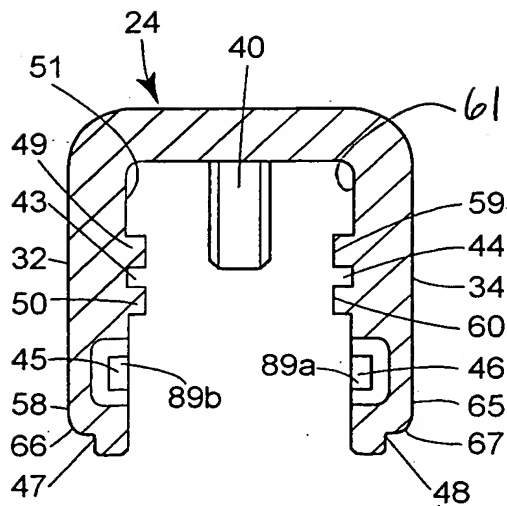


FIG. 8

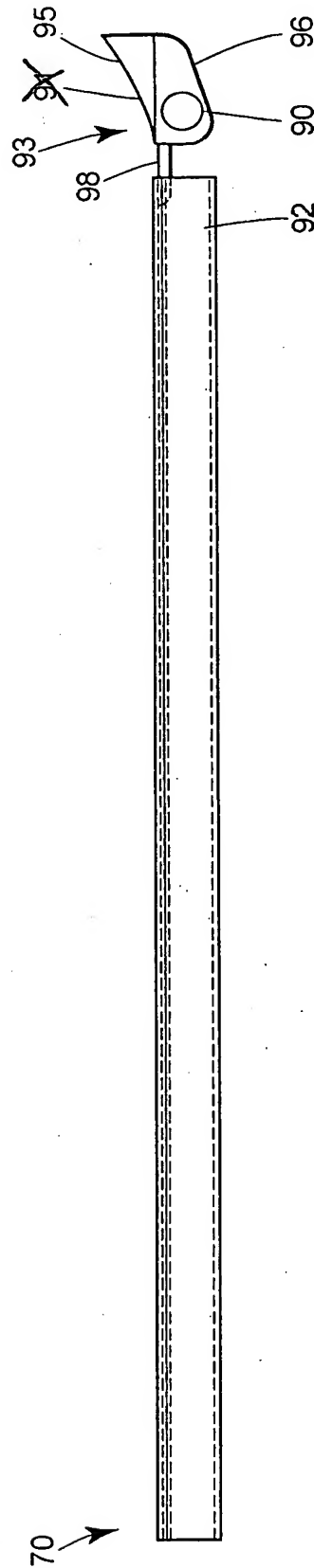
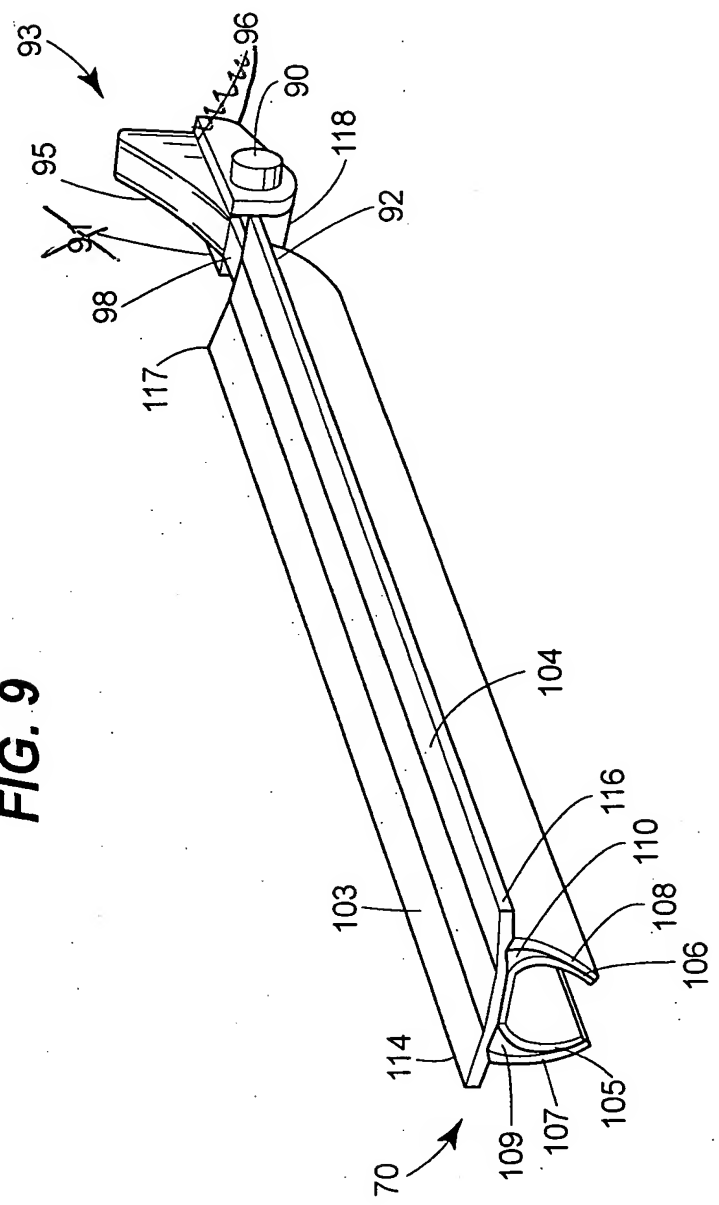
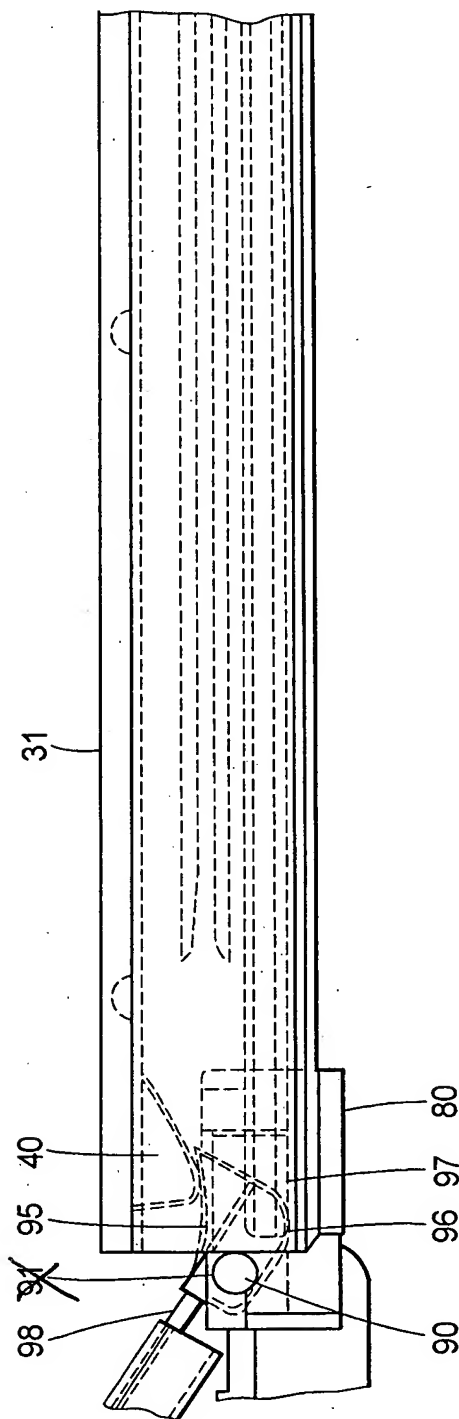


FIG. 9





**FIG. 11**



**FIG. 13**

